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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,183	10/30/2003	Gal Shachor	IL920030037US1	8155

7590 10/11/2006
Stephen C. Kaufman
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EXAMINER

CAMPOS, YAIMA

ART UNIT PAPER NUMBER

2185

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/697,183	Applicant(s) SHACHOR, GAL	
	Examiner Yaima Campos	Art Unit 2185	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-15, 17-23, 25 and 27.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

1st POINT OF ARGUMENT

1st POINT OF ARGUMENT

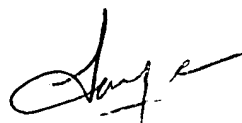
Regarding Applicant's remark that the combination of Cooke, Jr. et al. (US 6,574,629) and Bocionek (US 2002/0091765) does not disclose "examining a Digital Image Communications in Medicine (DICOM) modality workload, generated by a hospital information system (HIS) or radiology information system (RIS), which schedules at least one modality to perform at least one task." It is the examiner's position that the combination of Cooke and Bocionek discloses the limitations required by the claim language. Examiner would like to point out that Cooke clearly discloses ["the PACS pre-fetches images in response to a scheduled event... the network gateway receives information concerning the scheduled event, receives information concerning the scheduled event, receives the details from the remote source, and retrieves images from a memory on the PACS based on the details and one or more predetermined pre-fetching rules " (Column 3, lines 14-37)]. Although Cooke does not explicitly use the term "worklist," Applicant should note that the purpose of the claimed "worklist" is to "schedule at least one modality to perform at least one task" (Claim 1) which is clearly disclosed by Cooke as [a scheduled event, as disclosed by Cooke, comprises "a patient examination or the like" (Column 18, lines 55-67)].

In addition, the Examiner directs Applicant's attention to Bocionek where it is taught ["in addition of these administrative activities, the RIS often also acts as workflow driver in radiology in order, for example, to send request data in the form of a DICOM workload entry to a modality such as a CT, MR or X-ray device at which the examination is to take place" (Page 1, Par. 0009)]. Therefore, Applicant should note that Bocionek clearly uses a DICOM workload to schedule at least one modality to perform at least one task, as claimed.

2ND POINT OF ARGUMENT

2nd POINT OF ARGUMENT

Regarding Applicant's remark that the combination of Cooke and Bocionek does not disclose "ensuring that in the faster access part there is available at least some data which based on at least one predetermined rule is deemed likely to be accessed in connection to said at least one task to be performed by said at least one modality scheduled by said workload". It is the examiner's position that the combination of Cooke and Bocionek discloses this limitation as ["the present invention includes the ability to route relevant prior studies to a reviewing station in contemplation of a scheduled event, such as a patient examination or the like. This process is called pre-fetching, and is effected by code executing on the network gateway" (Column 18, lines 55-67); therefore, providing relevant data which is likely to be accessed by a scheduled event as it is pre-fetched to prepare for an upcoming event which will access this data].



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